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EXAMINER

LAY, MICHELLE K

ART UNIT

PAPER NUMBER

2672

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/646,554

Applicant(s)

SCHOWTKA, ALEXANDER K.

Examiner

Michelle K. Lay

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The amendment filed on 06 June 2005, has been entered and made of record. Claims 4-32 are pending.

Response to Arguments

Applicant's arguments filed 06 June 2005 have been fully considered but they are not persuasive.

Applicant argues Cheatle's "minimum crop boundary" is not equivalent to Applicant's "minimum image area". Examiner respectfully disagrees. The invention of Cheatle takes into account the features relevant to the composition. Thus, as shown in Fig. 5 of Cheatle, "include" regions are identified, such as the girl and flowers. The recursion of the analysis of Cheatle mimics the designer's expertise by taking into account the subject matter by color mapping, color clustering, brightness, activity, saliency, and distance from strong color transitions parallel to, and on the inside of, the column or row being tested [0094-0113].

Applicant argues Cheatle's "maximum crop boundary" is not equivalent to Applicant's "ideal image area". Examiner respectfully disagrees. Similar to the explanation of Cheatle's "minimum crop boundary", the recursion of the analysis of Cheatle mimics the designer's expertise. Furthermore, Cheatle's maximum crop boundary takes into account the areas that are identified as include regions. It would be obvious to one of ordinary skill that the "include" regions would be desired to view within

the final result. Furthermore, since in Applicant's invention, a single person is making the decision as to what the most desirable portion that should be used. Thus, in Cheatle, the analysis decides what is most desirable by including the portions of the "include" region. Therefore, the decision as to the desirable crop is performed.

Applicant argues Cheatle does not teach creating a cropped version of an image that includes any part of the image that is outside of the maximum crop boundary as it pertains to claim 19. However, the claim language does not hint at having to include a portion of the image that is outside of the ideal image area.

In response to applicant's argument that Gustafson et al. makes no connection or suggestion about how cropping menus might be used in connection with a method for preparing an image for use with an automated cropping system, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 5, 6, 8, 11, 12, 13, and 16 - 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. PG-PUB No. 2003/0055871 to Roses in view of U.S. PG-PUB No. 2002/0191861 to Cheatle.

Roses teaches of a web based system for generating a document according to a user selected template and image baskets that contain images to be incorporated in the document. Page 3, paragraph 33, states, "FIG. 4 illustrates a flow chart of an exemplary method of creating a document using the creation and selection module 310. In step 405, a template group is selected by a user 125 and received by the web site 110. A template includes a predefined format for a document. For example, a template may include areas of a document having fixed images and/or text and areas for placing selected images and/or custom text." Page 5, paragraph 60, describes the image baskets for containing selectable images, "The image basket application 212 (shown in FIG. 2) creates and stores an image basket for each user 125 that selects images to be incorporated in a document. An image basket, for example, includes references to images selected by a user 125 (e.g., a list, a table, and the like). Each image basket may be stored in the image basket database 214. The references to images may include references to images stored at the web site 110 or references to images stored

at remote web sites (e.g., customer web site 115, general web site 120, and the like) or in other remote devices. References to remotely stored images may include URLs and image identifiers, which may be transmitted to the web site 110 when an image basket needs to be created or updated. Remotely stored image files may also be transmitted to the web site 110 to create a document using the document composition application 206." Thus, Roses teaches of selecting at least one layout from a plurality of retained layouts having one or more image containers. Roses does not teach, however, of selecting at least one image from a plurality of retained images having at least an image portion representing a minimum image area, and creating at least one cropped image version for at least one image container of at least one selected layout by performing at least a cropping operation on at least one selected image such that the cropped image version contains at least the minimum image area of the selected image. Cheatle teaches of an automated cropping of electronic images by a camera or an external processing form. Page 4, paragraph 81, explains, "It would, however, be possible for image processing to be done external to a camera body, in which case the electronic camera and external processing form the electronic camera system of the invention." Figure 7, of Cheatle, displays an image containing a minimum crop rectangle such that after performing a cropping operation on the image the minimum crop rectangle represents a minimum image area of the image. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Roses so that at least one of the images in the image basket has an image portion representing a minimum image area. One would have been motivated to make such a

modification to Roses so that while cropping an image, at least a minimum area of the image is displayed to allow the image to be recognizable to a viewer. It is inherent that while performing a cropping operation on an image that contains a minimum crop rectangle, the resultant cropped image version contains at least the minimum image area of the image corresponding to the minimum crop rectangle.

Roses teaches of the method of claim 5 except wherein at least one cropped image version is created such that, to the extent possible, the minimum image area is positioned substantially in the center of the cropped image version. Cheatle teaches on page 3, paragraph 43, of creating an inner boundary limit which circumscribes a region of interest to be included. "Each such alternative division of regions of interest is then used to determine an inner crop boundary limit and an outer crop boundary limit such that the inner crop boundary limit is the smallest boundary which circumscribes the regions of interest to be included and the outer crop boundary limit is the largest boundary which excludes the regions of interest to be excluded." Page 8, paragraph 127, describes positioning the prime area of interest in the approximate center of the image and deemed to be essential to the image. "One way of manually tagging features is to use the camera viewfinder as a pointing device (as opposed to its conventional use as both a pointing and composition device). In this use the prime area of interest is deliberately positioned in the approximate centre of the frame. When the image is auto-cropped according to this invention, the region at the centre of the image is deemed to be essential to the cropped image and is thus prevented from being cropped out." Additionally, page 7, paragraph 112, describes the central placement of

an area of interest in an image, "For example, it would be possible for the rule combination weightings to be dynamically adjusted according to the overall type of image. For example, crop rectangle 60 with a single area of interest containing a single face looking straight towards the camera may reduce the weighting for the rule of thirds, allowing a more centrally placed portrait to be preferred. Thus, Cheatle teaches of positioning the minimum image area substantially in the center of the image. Figure 7 additionally shows the minimum crop rectangle positioned substantially in the center of the maximum crop rectangle so that upon performing a cropping operation on the maximum crop rectangle, the minimum crop rectangle is positioned substantially in the center of the cropped image. It would have been obvious to one having ordinary skill in the art at the time invention was made to modify the invention of Roses so that the minimum image area is positioned substantially in the center of the cropped image version of an image. One would have been motivated to make such a modification to Roses so that a recognizable portion of the original image contained in the minimum image area is centrally located in the cropped image where it would have the best chance to draw a viewer's attention.

Roses teaches of the method of claim 6 except wherein at least one cropped image version is created such that, to the extent possible, the minimum image area is positioned in a location in the cropped image version that is substantially proportional to the position of the minimum image area in the selected image. Figure 7, of Cheatle, shows the minimum crop rectangle positioned in substantially the same location in the maximum crop rectangle and the original image. Thus, when performing a cropping

operation on the image with the maximum crop rectangle, the minimum crop rectangle will be positioned in the cropped image version in a location that is substantially proportional to the position of the minimum image area in the original image. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Roses so that the minimum image area will be positioned in the cropped image version in a location that is substantially proportional to the position of the minimum image area in the original image. One would have been motivated to make such a modification to Roses so that upon cropping an image, a viewer would not need to search the resulting image for the previous recognizable portion. Maintaining the positioning of the minimum image area in the center of the image, even after performing a cropping operation, allows the recognizable portion of the original image to be located in a position where it will most likely be spotted by a user.

Roses teaches of the method of claim 8 except wherein at least one image is selected from a plurality of retained images having at least an image portion representing an ideal image area, and creating at least one cropped image version for at least one image container of at least one selected layout by performing at least a cropping operation on at least one selected image such that the cropped image version is created from the portion of the image representing the ideal image area of the image. Page 3, paragraph 33 of Roses, states, "FIG. 4 illustrates a flow chart of an exemplary method of creating a document using the creation and selection module 310. In step 405, a template group is selected by a user 125 and received by the web site 110. A

template includes a predefined format for a document. For example, a template may include areas of a document having fixed images and/or text and areas for placing selected images and/or custom text.” Page 5, paragraph 60, describes the image baskets for containing selectable images, “The image basket application 212 (shown in FIG. 2) creates and stores an image basket for each user 125 that selects images to be incorporated in a document. An image basket, for example, includes references to images selected by a user 125 (e.g., a list, a table, and the like). Each image basket may be stored in the image basket database 214. The references to images may include references to images stored at the web site 110 or references to images stored at remote web sites (e.g., customer web site 115, general web site 120, and the like) or in other remote devices. References to remotely stored images may include URLs and image identifiers, which may be transmitted to the web site 110 when an image basket needs to be created or updated. Remotely stored image files may also be transmitted to the web site 110 to create a document using the document composition application 206.” Thus, Roses teaches of selecting at least one layout from a plurality of retained layouts having one or more image containers. Page 6, paragraph 105 of Cheatle, describes the maximum cropping rectangle for an area of interest in an image. “The maximum cropping rectangle for the each single or combination of areas of interest is the maximum rectangle which contains the areas of interest but excludes the non-selected areas of interest. Thus this corresponds to rectangles 68 and 72 in FIGS. 5B and 5C.” By excluding regions of non-interest and including areas of interest within the maximum cropping rectangle, Cheatle teaches of an image portion representing an

ideal image area to be cropped from an original image. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Roses to include an image portion representing an ideal image area from an original image such that the cropped image version is created from the portion of the image representing the ideal image area of the image as in Cheatle. One would have been motivated to make such a modification to Roses so that when performing a cropping operation on an image, the included region in the cropped image is composed of the area of interest from the original image and the regions of non-interest are cropped.

Roses teaches of the method of claim 11 except wherein at least one image is selected from a plurality of retained images having at least an image portion representing a minimum image area and an image portion representing an ideal image area, and creating at least one cropped image version for at least one image container of at least one selected layout by performing at least a cropping operation on at least one selected image such that the cropped image version is created substantially from the portion of the image representing the ideal image area of the image and contains the minimum image area. Page 6, paragraph 105 of Cheatle, describes the maximum cropping rectangle for an area of interest in an image. "The maximum cropping rectangle for the each single or combination of areas of interest is the maximum rectangle which contains the areas of interest but excludes the non-selected areas of interest. Thus this corresponds to rectangles 68 and 72 in FIGS. 5B and 5C." By excluding regions of non-interest and including areas of interest within the maximum

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cropping rectangle, Cheatle teaches of an image portion representing an ideal image area to be cropped from an original image. Figure 7 shows a minimum crop rectangle within the maximum crop rectangle, such that upon performing a cropping operation, the cropped image contains the minimum crop rectangle and is created substantially from the maximum crop rectangle. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Roses so that an original image would have a maximum and minimum crop rectangle such that upon performing a cropping operation, the cropped image contains the minimum crop rectangle and is created substantially from the maximum crop rectangle as in Cheatle. One would have been motivated to make such a modification to Roses so that while performing a cropping function on an image, the resulting image contains a minimum recognizable image portion and substantially excludes the areas of the original image that are not of interest to the user.

Roses teaches of the method of claims 12 and 13 except wherein at least one cropped image version is created such that the minimum image area is positioned in a location in the cropped image version that is substantially proportional to the position of the minimum image area in the ideal image area, in the center of the cropped image version. Page 8, paragraph 127 of Cheatle, describes positioning the prime area of interest in the approximate center of the image and deemed to be essential to the image. "One way of manually tagging features is to use the camera viewfinder as a pointing device (as opposed to its conventional use as both a pointing and composition device). In this use the prime area of interest is deliberately positioned in the

approximate centre of the frame. When the image is auto-cropped according to this invention, the region at the centre of the image is deemed to be essential to the cropped image and is thus prevented from being cropped out." Additionally, page 7, paragraph 112, describes the central placement of an area of interest in an image, "For example, it would be possible for the rule combination weightings to be dynamically adjusted according to the overall type of image. For example, crop rectangle 60 with a single area of interest containing a single face looking straight towards the camera may reduce the weighting for the rule of thirds, allowing a more centrally placed portrait to be preferred. Thus, Cheattle teaches of positioning the minimum image area substantially in the center of the image both before and after cropping such that in the cropped image version the position of the minimum image area is substantially proportional to the position of the minimum image area in the ideal image area, in the center of the cropped image version. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Roses to include positioning the minimum image area in a location in a cropped image version that is substantially proportional to the position of the minimum image area in the ideal image area, in the center of the cropped image version. One would have been motivated to make such a modification to Roses so that an area of interest located in the minimum image area will remain centrally located in the image after performing a cropping operation.

Roses teaches of the computer-readable medium of claim 16, having computer-executable instructions for performing the steps of claim 11. Roses teaches of a web site including a document server, an image basked server, an account server, and a

communication server. Page 2, paragraphs 27 – 32, describe the servers containing databases for document and image storage and information. Additionally, the servers execute applications specific to their assigned functions. Thus, the servers are comprised of a computer-readable medium having computer-executable instructions for performing the steps of claim 11.

Roses teaches of the method of claim 17 except wherein an electronic image contains a predetermined portion representing a minimum image area. Figure 7, of Cheatle, displays an image containing a minimum crop rectangle such that after performing a cropping operation on the image the minimum crop rectangle represents a minimum image area of the image. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Roses so that at least one of the images in the image basket has an image portion representing a minimum image area. One would have been motivated to make such a modification to Roses so that while cropping an image, at least a minimum area of the image is displayed to allow the image to be recognizable to a viewer. Page 3, paragraph 43 of Roses, describes a warning message that appears if an image will not fit into a selected area. "When the attributes are set, a "Place Image" button is pressed to place the image in the position selected in the image placement area 606. A warning area 614 displays warning messages when appropriate. For example, warnings, such as "image does not fit in selected area" and the like may be displayed in the warning area 614. The user 125 may press a "Preview" button 604 to view a preview of a document with the edited images." It is inherent in the invention of Roses that the size of the image

container is determined in order to discern if an image fits in the selected area. Thus, Roses identifies the image as being incompatible with the image container if the image will not fit. When the image does not fit the selected area, condition (ii) of step (b), step (c) is followed by Roses.

Roses teaches of the method of claim 18. It is inherent that a cropped version of an image that meets the condition of filling a selected image area includes as much of the image as possible such that the maximum area amount of the image to be included in the selected image area corresponds to the size of the area. Thus, by cropping an image to fill a selected area, the cropped version will include as much of the image as possible as dictated by the size of the selected area.

Roses teaches of the method of claim 19 except wherein an electronic image contains a predetermined portion representing an ideal image area. Page 6, paragraph 105 of Cheatle, describes the maximum cropping rectangle for an area of interest in an image. "The maximum cropping rectangle for the each single or combination of areas of interest is the maximum rectangle which contains the areas of interest but excludes the non-selected areas of interest. Thus this corresponds to rectangles 68 and 72 in FIGS. 5B and 5C." By excluding regions of non-interest and including areas of interest within the maximum cropping rectangle, Cheatle teaches of an image portion representing an ideal image area to be cropped from an original image. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Roses to include an image portion representing an ideal image area from an original image such that the cropped image version is created from

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the portion of the image representing the ideal image area of the image as in Cheatle.

One would have been motivated to make such a modification to Roses so that when performing a cropping operation on an image, the included region in the cropped image is composed of the area of interest from the original image and the regions of non-interest are cropped. Page 3, paragraph 43 of Roses, describes a warning message that appears if an image will not fit into a selected area. "When the attributes are set, a "Place Image" button is pressed to place the image in the position selected in the image placement are 606. A warning area 614 displays warning messages when appropriate. For example, warnings, such as "image does not fit in selected area" and the like may be displayed in the warning area 614. The user 125 may press a "Preview" button 604 to view a preview of a document with the edited images." It is inherent in the invention of Roses that the size of the image container is determined in order to discern if an image fits in the selected area. It is additionally inherent that a given area on a display will have a predetermined resolution depending on the size of the area. Figure 7, of Cheatle, shows a maximum and minimum crop rectangle. The minimum crop rectangle has a determined size with a corresponding image resolution in accordance with its layout area. Thus, if the selected area of Roses is too small for the cropped image to fit, element (ii) of steps (b) and (c) will not be met in that the cropped image will not comply with the predetermined minimum image resolution of the selected area.

Roses teaches of the method of claim 20. It is inherent that a cropped version of an image that meets the condition of filling a selected image area includes as much of the image as possible such that the maximum area amount of the image to be included

in the selected image area corresponds to the size of the area. Thus, by cropping an image to fill a selected area, the cropped version will include as much of the image as possible as dictated by the size of the selected area.

Roses and Cheatle as applied to claim 19 teach of the method of claim 21. Page 6, paragraph 105 of Cheatle, describes the maximum cropping rectangle for an area of interest in an image excluding regions of non-interest. "The maximum cropping rectangle for the each single or combination of areas of interest is the maximum rectangle which contains the areas of interest but excludes the non-selected areas of interest. Thus this corresponds to rectangles 68 and 72 in FIGS. 5B and 5C." Thus, a cropped version of the image will include as little as possible of the image that is outside the ideal image area in that it will exclude the areas outside the ideal image area.

Roses teaches of the method of claim 22 except wherein an electronic image has a predefined first image area and a predefined second image area, the first image area being smaller than the image and the second image area being smaller than the first image area. Page 6, paragraph 105 of Cheatle, describes the maximum cropping rectangle for an area of interest in an image corresponding to a predefined first image area. "The maximum cropping rectangle for the each single or combination of areas of interest is the maximum rectangle which contains the areas of interest but excludes the non-selected areas of interest. Thus this corresponds to rectangles 68 and 72 in FIGS. 5B and 5C." By excluding regions of non-interest and including areas of interest within the maximum cropping rectangle, Cheatle teaches of an image portion representing an ideal image area to be cropped from an original image. It would have been obvious to

one having ordinary skill in the art at the time the invention was made to modify the invention of Roses to include an image portion representing a first image area from an original image such that the cropped image version is created from the portion of the image representing the ideal image area of the image as in Cheatle. One would have been motivated to make such a modification to Roses so that when performing a cropping operation on an image, the included region in the cropped image is composed of the area of interest from the original image and the regions of non-interest are cropped. Figure 7, of Cheatle, displays an image containing a minimum crop rectangle corresponding to a predefined second image area such the second image area is smaller than the first image area. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Roses so an image has an image portion representing a second, smaller area corresponding to a minimum image area. One would have been motivated to make such a modification to Roses so that while cropping an image, at least a minimum area of the image is displayed to allow the image to be recognizable to a viewer. Page 3, paragraph 43 of Roses, describes a warning message that appears if an image will not fit into a selected area. "When the attributes are set, a "Place Image" button is pressed to place the image in the position selected in the image placement are 606. A warning area 614 displays warning messages when appropriate. For example, warnings, such as "image does not fit in selected area" and the like may be displayed in the warning area 614. The user 125 may press a "Preview" button 604 to view a preview of a document with the edited images." It is inherent in the invention of Roses that the size of the image

container is determined in order to discern if an image fits in the selected area. It is additionally inherent that a given area on a display will have a predetermined resolution depending on the size of the area. Figure 7, of Cheatle, shows a maximum and minimum crop rectangle. The minimum crop rectangle has a determined size with a corresponding image resolution in accordance with its layout area. Thus, if the selected area of Roses is too small for the first or second predefined image areas to fit, steps (b) and (c) will not be met in that the cropped image will not comply with the predetermined minimum image resolution of the selected area. The user will then receive a warning that the image is incompatible with the image container.

Roses teaches of the method of claim 23. It is inherent that a cropped version of an image that meets the conditions of having at least a predetermined minimum image resolution when sized to fit the image container, contains all of the second image area, and contains no part of the image that is outside of the first image area will include as much of the first image area as possible such that the maximum area amount of the first image to be included in the selected image area corresponds to the size of the selected area. Thus, by cropping a first image area to fill a selected area, the cropped version will include as much of the image as possible as dictated by the size of the selected area.

Roses and Cheatle as applied to claim 22 teach of the method of claim 24. Page 6, paragraph 105 of Cheatle, describes the maximum cropping rectangle for an area of interest in an image excluding regions of non-interest. "The maximum cropping rectangle for the each single or combination of areas of interest is the maximum

rectangle which contains the areas of interest but excludes the non-selected areas of interest. Thus this corresponds to rectangles 68 and 72 in FIGS. 5B and 5C.” Thus, a cropped version of the image will include as little as possible of the image that is outside the ideal image area in that it will exclude the areas outside the ideal image area.

Roses and Cheatle as applied to claim 22 teach of the method of claim 25. A cropped image version as created in step (b) of claim 22 is created such that “contains no part of the image that is outside of the first image area...” It is inherent that a cropped image that is created entirely from the first image area will have a portion of the first area positioned substantially in the center of the cropped version.

Roses teaches of the computer-readable medium of claim 26, having computer-executable instructions for performing the steps of claim 22. Roses teaches of a web site including a document server, an image basked server, an account server, and a communication server. Page 2, paragraphs 27 – 32, describe the servers containing databases for document and image storage and information. Additionally, the servers execute applications specific to their assigned functions. Thus, the servers are comprised of a computer-readable medium having computer-executable instructions for performing the steps of claim 22.

Roses teaches of the system of claim 27 except wherein a plurality of images are stored on the server system having an image portion representing a minimum image area. Page 2, paragraphs 27 – 32, describe the system of Roses as containing a document server, an image basket server, an account server, and a communication server to run applications pertaining to the invention. The document server connects to

a template database for storing templates and layouts. Paragraph 29 describes the image basket server that may store image-related information. Page 3, paragraph 43, describes user selectable attributes including cropping in addition to a warning system to notify a user if an image does not fit in a selected area. Figure 7, of Cheatle, displays an image containing a minimum crop rectangle such that after performing a cropping operation on the image the minimum crop rectangle represents a minimum image area of the image. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Roses so that at least one of the images in the image basket has an image portion representing a minimum image area. One would have been motivated to make such a modification to Roses so that while cropping an image, at least a minimum area of the image is displayed to allow the image to be recognizable to a viewer. It is inherent that while performing a cropping operation on an image that contains a minimum crop rectangle, the resultant cropped image version contains at least the minimum image area of the image corresponding to the minimum crop rectangle. Thus, for an image that undergoes cropping in Roses to fit in a selected area, the cropped image will contain at least the minimum image area of the selected image.

Roses teaches of the system of claim 28 except wherein a plurality of images are stored on the server system having an image portion representing an ideal image area. Page 2, paragraphs 27 – 32, describe the system of Roses as containing a document server, an image basket server, an account server, and a communication server to run applications pertaining to the invention. The document server connects to a template

database for storing templates and layouts. Paragraph 29 describes the image basket server that may store image-related information. Page 3, paragraph 43, describes user selectable attributes including cropping in addition to a warning system to notify a user if an image does not fit in a selected area. Page 6, paragraph 105 of Cheatle, describes the maximum cropping rectangle for an area of interest in an image. "The maximum cropping rectangle for the each single or combination of areas of interest is the maximum rectangle which contains the areas of interest but excludes the non-selected areas of interest. Thus this corresponds to rectangles 68 and 72 in FIGS. 5B and 5C." By excluding regions of non-interest and including areas of interest within the maximum cropping rectangle, Cheatle teaches of an image portion representing an ideal image area to be cropped from an original image. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Roses to include an image portion representing an ideal image area from an original image such that the cropped image version is created from the portion of the image representing the ideal image area of the image as in Cheatle. One would have been motivated to make such a modification to Roses so that when performing a cropping operation on an image, the included region in the cropped image is composed of the area of interest from the original image and the regions of non-interest are cropped. Since the maximum crop rectangle excludes any areas of non-interest, any cropped image version is created from the portion of the selected image representing the ideal image area.

Roses teaches of the system of claim 29 except wherein a plurality of images are stored on the server system having an image portion representing a minimum image area and an image portion representing an ideal image area. Page 2, paragraphs 27 – 32, describe the system of Roses as containing a document server, an image basket server, an account server, and a communication server to run applications pertaining to the invention. The document server connects to a template database for storing templates and layouts. Paragraph 29 describes the image basket server that may store image-related information. Page 3, paragraph 43, describes user selectable attributes including cropping in addition to a warning system to notify a user if an image does not fit in a selected area. Page 6, paragraph 105 of Cheatle, describes the maximum cropping rectangle for an area of interest in an image. “The maximum cropping rectangle for the each single or combination of areas of interest is the maximum rectangle which contains the areas of interest but excludes the non-selected areas of interest. Thus this corresponds to rectangles 68 and 72 in FIGS. 5B and 5C.” By excluding regions of non-interest and including areas of interest within the maximum cropping rectangle, Cheatle teaches of an image portion representing an ideal image area to be cropped from an original image. Figure 7 shows a minimum crop rectangle within the maximum crop rectangle, such that upon performing a cropping operation, the cropped image contains the minimum crop rectangle and is created substantially from the maximum crop rectangle. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Roses so that an original image would have a maximum and minimum crop rectangle such that upon

performing a cropping operation, the cropped image contains the minimum crop rectangle and is created substantially from the maximum crop rectangle as in Cheatle. One would have been motivated to make such a modification to Roses so that while performing a cropping function on an image, the resulting image contains a minimum recognizable image portion and substantially excludes the areas of the original image that are not of interest to the user.

Claims 7, 9, 10, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. PG-PUB No. 2003/0055871 to Roses in view of U.S. PG-PUB No. 2002/0191861 to Cheatle as applied to claims 4, 8, and 11 above, and further in view of U.S. Patent No. 6,018,774 to Mayle et al.

Roses and Cheatle teach of the methods of claims 7, 10, and 15 except wherein the step of creating includes resizing the selected image prior to performing a cropping operation. The invention of Mayle et al. includes a system that interacts with a user to create and configure an image to be placed on an electronic postcard. Figure 3A of Mayle et al. shows the flow chart of processing an electronic photo file for display on the electronic postcard. Element 356 shows the process of scaling the photo file image before cropping the image, element 357, corresponding to resizing the image before cropping. It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention of Roses in view of Cheatle to include resizing the selected image prior to performing a cropping operation as in Mayle. One would have been motivated to make such a modification to the invention of Roses in view of Cheatle so that an area of interest may be viewed clearer in an

enlarged version, allowing cropping boundaries to be more accurately defined by a user before performing a cropping operation.

Roses and Cheatle teach of the methods of claims 9 and 14 except wherein the cropped image version is created from the selected image such that the image is cropped substantially equally from opposite edges of the ideal image area during a cropping operation, whereby the cropped image version is created substantially from the center of the ideal image area. Cheatle discloses on page 8, paragraph 127, of placing an area of interest in an image in the center of the frame such that the image is prevented from being cropped out. Mayle et al. discloses in column 11, lines 36 – 45, of cropping an image such that excess is removed equally from both ends of the picture. “The cropping is done so that excess is removed equally from both ends (top and bottom or left and right) and the picture ends up centered on the postcard.” It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention of Roses to include creating a cropped version of an image substantially from the center of the ideal image area from an area of interest located in the center of the frame as in Cheatle. One would have been motivated to make such a modification to Roses so that the cropped image version comprises the area of interest of a user. Additionally, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention of Roses to include cropping equally from opposite edges of an area of interest as in Mayle. One would have been motivated to make such a modification so that after cropping, an area of interest to a user will be centered in a selected layout area.

Claims 30, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. PG-PUB No. 2002/0191861 to Cheatle in view of U.S. PG-PUB 2002/0025085 to Gustafson et al.

Cheatle teaches of the methods of claims 30 – 32 except wherein the image and the definition of at least one portion of the image are stored. Figure 6a shows a flow chart for the method of Cheatle that includes examining and identifying features of interest, element 80. Figure 7 shows portions of an image to be used in an automated cropping system representing a maximum crop rectangle, ideal image area, and a minimum crop rectangle, minimum image area. Gustafson et al. discloses an invention for generating customized imprinted items via the Internet. Page 5, paragraph 63 of Gustafson, describes a stored menu of user-selectable sizes for the cropping area of an image. "The crop size selector 6200 provides a menu of user-selectable sizes for the cropping area 6400. It is not fundamental that predetermined sizes of the cropping area 6400 be used and this area could be arbitrarily selected." It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Cheatle so that the minimum crop rectangle would be stored in a menu for the cropping area of an image as in Gustafson. One would have been motivated to make such a modification to the invention of Cheatle so that the processing of an image to determine a minimum crop rectangle need only be performed once per image and thus reduce redundant processing on the same image.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

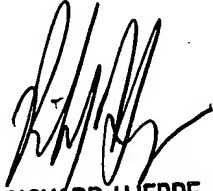
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle K. Lay whose telephone number is (571) 272-7661. The examiner can normally be reached on Monday - Friday, 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (571) 272-7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michelle K. Lay
Patent Examiner
Art Unit 2672

11.14.2005 mkl *M.*


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